

REMARKS

I. Status of the claims

Claims 1-36 and 39-60 are pending. Claims 37-38 have been cancelled. Applicants have amended claims 1, 28, 36, 39, and 40. Claim 1 has been amended to remove the optional recrystallization step, which has been set forth in new dependent claim 55; claim 28 has been amended to correct a typographical error; claim 36 has been amended to emphasize the therapeutic amount of the complex being used; claim 39 has been amended to recite a preferred oxalatoplatinum(II) complexes; and claim 40 has been amended to recite a method of producing a *bis*-oxalatoplatinate(II) species, as suggested by the examiner. Support for the amendment to claim 39 may be found in paragraphs 24-26 of the specification.

Applicants have added new claims 55-60 in this response. As discussed above, claim 55 represents the optional recrystallization step removed from claim 1. Claims 56-59, all of which are dependent on claim 55, substantively recite the limitations set forth in claims 2, 5, 7, and 10. New claim 60 relates to an oxaliplatin product containing no traces of silver. Support for claim 60 may be found in paragraphs 9, 74-76, and example 4 of the specification.

Applicants have amended paragraphs 17, 24, 51, 59, and 69 in the specification to correct typographical errors or other grammatical errors. These amendments were made during the international phase of the corresponding PCT application in response to a Written Opinion. However, the amendments were not carried over into the national phase of this application. The amendment to complexes (vii) and (viii) reflects the accurate description of these complexes, as recited in original claims 30-31 and paragraph 70.

No new matter has been introduced through any of the new claims or amendments to the specification or claims.

The examiner has indicated that claims 1-35 and 37 are allowed. Applicants thank the examiner for this indication of allowable subject matter. The additional amendments to the allowed claims do not substantively change the claim scope and thus should not affect their status as being allowable.

II. Rejection to claim 36

The examiner has rejected claim 36 under 35 U.S.C. § 112, second paragraph as being

indefinite. In particular, the examiner notes that the claim is unclear as to the dosage needed to treat a patient with cancer.

Applicants have amended claim 38 to clarify that a therapeutically effective amount of the complex should be administered to patient suffering from cancer. The particular determination of dosages is a matter of routine experimentation to one of ordinary skill in the art, and may be discerned without undue experimentation. A physician treating a patient suffering from cancer will take into account, when deciding on the appropriate dosage, various factors such as the patient's height and weight, what drugs the patient is currently taking, and various other factors well known to those of skill in the art.

Thus, administering a therapeutically effective amount of the complex satisfies 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the examiner withdraw this rejection.

III. Claim 38

The examiner has rejected claim 38 under 35 U.S.C. § 101 and 35 U.S.C. § 112, second paragraph. Applicants have cancelled claim 38, rendering these rejections moot. Accordingly, Applicants respectfully request that the examiner withdraw these rejections.

IV. Claim 39

The examiner has rejected claim 39 under 35 U.S.C. § 102(b) as being anticipated by the reference entitled, "Synthesis of new platinum(II) complexes with ethanethiolamine, o-aminothiophenol and bidentate carboxylic acids" by Syamal et al. ("Syamal"). The examiner states that Syamal discloses an oxalatoplatinum(II) complex having an ethanethiolamine as a bidentate ligand, where the synthetic route starts from reagents that do not contain silver.

In this response, Applicants have amended claim 39 to a preferred group of oxalatoplatinum(II) complexes. Syamal does not disclose any of the preferred oxalatoplatinum(II) complexes recited in amended claim 39. Therefore, Applicants respectfully request that the examiner withdraw this rejection.

V. Claims 40-54

The examiner has rejected claims 40-54 under 35 U.S.C. § 112, second paragraph as being indefinite. The examiner objects to the term “*bis*-dicarboxylatoplatinum(II) complex” and states that the final product is a *bis*-oxalatoplatinum(II) complex, not the generic *bis*-dicarboxylatoplatinum(II) complex.

To clarify the subject matter recited in these claims, Applicants have amended claim 40 to replace the term “*bis*-dicarboxylatoplatinum(II) complex” with the term *bis*-oxalatoplatinum(II) complex, per the examiner’s suggestion. In view of this amendment, Applicants respectfully request that the examiner withdraw this rejection.

VI. Conclusion

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

NIXON PEABODY LLP

/Jeffrey N. Townes, Reg. No. 47,142/

Jeffrey N. Townes

Reg. No. 47,142

Dated: June 17, 2008

Customer No. 22204
NIXON PEABODY LLP
401 9th St., N.W.
Suite 900
Washington, D.C. 20004
202.585.8000